

REMARKS

The provisional election to prosecute the invention of Group I, claims 1-11, with traverse, is hereby affirmed.

§ 112 Rejections

With respect to the rejections under 35 U.S.C. § 112, second paragraph, of claim 1 for being indefinite for including the relative term "wider," and of claim 2 for being indefinite for including the relative term "shallower," the Applicant respectfully submits that these terms as used in the patent application and claims have a clear meaning to one of ordinary skill in the art of heat sealing. More specifically, these terms relate to the measurements of the netting strands at seal areas as opposed to the netting strands at the non-seal areas as recited in claims 1 and 2. Relative terminology is permissible in claim language where, as here, the meaning of the terminology is clear to one of ordinary skill in the art. MPEP § 2173.05

With respect to the rejection under 35 U.S.C. § 112, second paragraph, of claim 1 for indefiniteness due to the phrase "at a time prior to sealing," these words are to be given their normal meaning. Thus, the claim as written indicates that the netting strands at seal areas have a wider cross-section than the netting strands at non-seal areas before the netting is sealed to an adjacent film structure.

The Office Action states that the use of the term "standard" as used in claim 9 is unclear. The term "standard netting strands" is used in the present application to distinguish these strands from "seal netting strands" which are located in areas to be sealed. Present Application at page 5, lines 14-17. It is with this purpose that the term "standard netting strands" was used in claim 9 and the Applicant respectfully submits that this use is not indefinite or unclear.

Claim 11 has been amended according to the suggestion in the Office Action that the word "adjacent" be used rather than the word "neighboring."

§ 102 Rejections

Claims 1-4 and 7-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by both U.S. Patent No. 3,616,130 to Rogosch et al. ("Rogosch") and U.S. Patent No. 4,285,998 to Thibodeau ("Thibodeau"). Both Rogosch and Thibodeau are directed to reinforced plastic sheeting, but neither reference discloses a variation between strands for sealing and strands not

for sealing as claimed in independent claims 1 and 9 of the present application. Rogosch generally discusses the materials that the web of reinforcing material 18 can be made out of and methods for construction of the web (Rogosch at col. 4, lines 37-75), but it does not disclose that any alteration of web strands should be made in areas where the web strands are to be sealed to another structure. Indeed, Rogosch is primarily directed to manufacturing material wherein the web of reinforcing material 18 is not sealed to any other structure. Rather, Rogosch discloses that “a wide range of temperatures may be utilized to laminate the upper and lower sheet of thermoplastic material together in the *interscices* of the web material.” Rogosch at col. 5, lines 62-64 (emphasis added). Where Rogosch does discuss that the “strands of the web” may be adhered to the upper and lower sheets of laminate material, there is no mention of alteration of web strands at the areas of adhesion. Rogosch at col. 7, lines 21-30. The Applicant respectfully submits that Rogosch does not disclose the present invention as claimed in independent claims 1 and 9, and respectfully submits that claims 1 and 9 and their dependent claims are in condition for allowance.

Similarly, Thibodeau is primarily directed to a structure wherein a “lightweight plastic net or net-like product is *freely sandwiched* between at least two layers of lightweight thermoplastic film.” Thibodeau Abstract (emphasis added). Thibodeau does disclose that “strips 24 which are located other than at the periphery may be heat sealed,” but Thibodeau does not disclose or suggest that any difference in strand structure could be utilized in strands for sealing as opposed to strands not to be sealed. Thibodeau at col. 3, lines 9-11. Independent claims 1 and 9 and their respective dependent claims 2-4, 7-8, and 10-11 are believed to be in condition for allowance.

§ 103 Rejections

Claims 5, 6, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over both Rogosch and Thibodeau. As discussed above, neither Rogosch nor Thibodeau teaches or suggests that netting strands can be modified based on their use for sealing or non-sealing purposes. The present invention is not merely directed to discovering an optimum value of a variable; rather it is directed to a net-reinforced film structure wherein netting strands for sealing have different qualities from non-sealed netting strands, as claimed in claim 1, upon which claims 5 and 6 depend, and claim 9, upon which claim 11 depends. As stated in the Office Action, the dimensional requirements of claims 5, 6, and 11 are not disclosed in

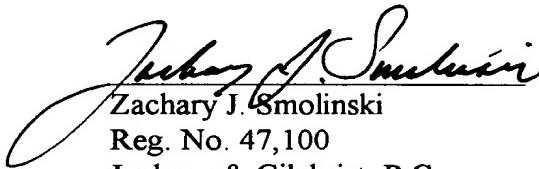
Rogosch or Thibodeau. Both Rogosch and Thibodeau employ the "uniform-strand configuration" discussed in the background of the present application. While the desire to obtain a more durable plastic sheet is a constant motivator in the art, there is no suggestion in either cited reference that a more durable plastic sheet could be achieved in the manner claimed in the present application. The Applicants respectfully submit that claims 5, 6, and 11 are in condition for allowance and action toward that end is earnestly solicited.

Attached hereto is a clean copy of the pending claims after entry of the present amendment captioned "**Pending Claims After Entry of Amendment and Reply to Office Action Mailed January 29, 2002.**"

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Commissioner is authorized to deduct the extension fee for response within the first month of the shortened statutory period of \$110 any additional fees required (except for payment of the issue fee) from or to credit any overpayment to Jenkens & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47097-00052

Respectfully submitted,

Date: May 29, 2002


Zachary J. Smolinski
Reg. No. 47,100
Jenkens & Gilchrist, P.C.
225 West Washington Street, Suite 2600
Chicago, IL 60606-3418
(312) 425-8522
Attorneys for Applicant

**PENDING CLAIMS AFTER ENTRY OF AMENDMENT AND
REPLY TO OFFICE ACTION MAILED JANUARY 29, 2002**

1. A net-reinforced film structure, comprising:
 - a film layer; and
 - a netting attached to said film layer and having a pattern of netting strands, said netting being sealed to an adjacent film structure along one or more generally linear seal areas and being free of attachment to said adjacent film structure at non-seal areas, the netting strands at said seal areas having a wider cross-section than the netting strands at said non-seal areas at a time prior to sealing said netting to said adjacent film structure along said one or more generally linear seal areas.
2. The film structure of claim 1 wherein the netting strands at said seal areas have a shallower cross-section than the netting strands at said non-seal areas at a time prior to making said generally linear seal at said generally linear seal area.
3. The film structure of claim 1 wherein the film layer is comprised of a film material selected from a group consisting of low-density polyethylene, linear low-density polyethylene, high density polyethylene, metallocene, ethylene vinyl acetate, and blends of these.
4. The film structure of claim 1 wherein the netting is comprised of a netting material selected from a group consisting of linear low-density polyethylene, high-density polyethylene, polypropylene, polyethylene, polypropylene/polyethylene copolymer, and metallocene.
5. The film structure of claim 1 wherein the netting strands at the seal areas have a width greater than or equal to about 60 mils.
6. The film structure of claim 1 wherein the netting strands at the non-seal areas have a width greater than or equal to about 5 mils.
7. The film structure of claim 1 wherein said adjacent film structure is an opposing film layer.

8. The film structure of claim 1 wherein said adjacent film structure is an opposing net-reinforced film structure.

9. A net-reinforced film structure, comprising:

a film layer; and

a netting attached to said film layer and having a pattern of netting strands, said pattern being comprised of standard netting strands and seal netting strands.

10. The net-reinforced film structure of claim 9 wherein said netting strands are placed in an orthogonal pattern.

A1
11. (Once Amended) The net-reinforced film structure of claim 9 wherein adjacent ones of said netting strands are spaced greater than or equal to about 0.25 inches from each other.